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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,944	03/27/2001	James C. Bedingfield	190254-1150	9851

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EXAMINER	
CAMPBELL, JOSHUA D	
ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
08/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/817,944	BEDINGFIELD, JAMES C.	
	Examiner	Art Unit	
	JOSHUA D. CAMPBELL	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,6,7,10,11,13,16 and 18-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,6,7,10,11,13,16 and 18-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Request for Continued examination filed 10/4/2007.

2. Claims 1, 3, 4, 6, 7, 10, 11, 13, 16, and 18-28 are pending in this case. Claims 1, 7, and 11 are independent claims. Claims 1, 7, and 11 have been amended.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 3, 4, 6, 7, 10, 11, 13, 16, and 18-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999) in view of Patterson (US Patent Application Publication Number 2003/0028608, filed on January 15, 1999).

Regarding independent claim 1, Davis discloses a method in which an update profile is accessed which contains a named URL, an update frequency for that URL, an e-mail address, and a update type (port) (column 10, line 55-column 11, line 12 and column 13, line 51-column 14, line 64 of Davis). Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column 1, lines 36-51 and column 10, line 20-column 11, line 12 of Davis). Davis discloses that a determination about whether that URLs content is to be updated is made based on the update frequency (column 13, line 51-column 14, line 64 of Davis). If the URL needs to be updated a user is notified via e-

mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user, the pages content comprising graphics and text (Figure 14D and column 13, line 51-column 14, line 64 of Davis). The user then submits a revised copy of the page via email at which point the server updates the URL based on the revised copy (column 2, line 36-column 3, line 35 of Davis). Davis does not explicitly disclose a method in which a copy of the content is sent between the user and the server as an e-mail attachment. However, Patterson discloses a method in which web content may be sent as an attachment in an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis of updating web content between a client and a server with the method of Patterson of transmitting web content via e-mail attachment because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations being performed by the user.

Regarding dependent claims 3 and 4, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claim 6, Davis discloses a method in which an update profile comprises a web page on a web site (column 13, line 51-column 14, line 64 of Davis).

Regarding independent claim 7 and dependent claim 10, the claims incorporate substantially similar subject matter as claims 1 and 6. Thus, the claims are rejected along the same rationale as claims 1 and 6.

Regarding independent claim 11, Davis discloses a method in which a server, having non-volatile memory and software for updating and e-mailing resident on the server (column 6, line 7-column 8, line 39 of Davis), has a way to communicate with a named party and a web hosting server accesses an update profile which contains a named URL, an update frequency for that URL, an e-mail address, and a update type (port) (column 10, line 55-column 11, line 12 and column 13, line 51-column 14, line 64 of Davis). Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically designated by the update profile (column 1, lines 36-51 and column 10, line 20-column 11, line 12 of Davis). Davis discloses that a determination about whether that URLs content is to be updated is made based on the update frequency (column 13, line 51-column 14, line 64 of Davis). If the URL needs to be updated a user is notified via e-mail at which point the user accesses the page which causes the server to retrieve a copy of the page and present it to the user, the pages content comprising graphics and text (Figure 14D and column 13, line 51-column 14, line 64 of Davis). The user then submits a revised copy of the page via email at which point the server updates the URL based on the revised copy (column 2, line 36-column 3, line 35 of Davis). Davis does not explicitly disclose a method in which a copy of the content is sent between the user and the server as an e-mail attachment. However, Patterson discloses a method in which web content may be sent as an

attachment in an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis of updating web content between a client and a server with the method of Patterson of transmitting web content via e-mail attachment because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations being performed by the user.

Regarding dependent claim 13, Davis discloses a method in which an update profile comprises a web page on a web site (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claim 16, Davis discloses a method in which the web site content includes an update log and that the log is updated whenever a page is last checked and last updated (column 13, line 51-column 14, line 64 of Davis).

Regarding dependent claims 18 and 20, Davis discloses that the revisions to the website content may include text formatted content and the updating includes mapping the text to hypertext markup language (column 10, line 55-column 11, line 12 of Davis).

Regarding dependent claim 22, Davis discloses that the revisions to the website content may include text formatted content and the updating includes mapping the text to hypertext markup language (column 10, line 55-column 11, line 12 of Davis).

Regarding dependent claims 19, 21, and 23, Davis discloses that different ports (sections which consist of graphics and/or text) of the website may be specifically

designated by the update profile (column 1, lines 36-51 and column 10, lines 20-29 of Davis).

Regarding dependent claims 24-26, Davis discloses that different types (ports - sections which consist of graphics and/or text) of the website may be specifically designated by the update profile in a custom setting (column 1, lines 36-51 and column 10, lines 20-column 11, line 12 of Davis).

5. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (hereinafter Davis, US Patent Number 5,937,160, issued on August 10, 1999) in view of Patterson (US Patent Application Publication Number 2003/0028608, filed on January 15, 1999), further in view of Hamzy et al. (hereinafter Hamzy, US Patent Number 6,636,247, filed January 31, 2000).

Regarding dependent claims 27 and 28, Davis discloses that the selection of content to be updated is based on elapsed time (update frequency) (Figure 12 B-2). Davis does not explicitly disclose that the elapsed time information may be randomly set, thus leading to random update selection. However, Hamzy discloses that content displayed may be updated after an elapsed time, which is randomly set (column 7, lines 10-27 of Hamzy). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Davis and Patterson with the teachings of Hamzy because it would have constantly change the order in which web content was updated.

Response to Arguments

6. Applicant's arguments filed 7/14/2008 have been fully considered but they are not persuasive.

7. Regarding the arguments presented on pages 7-13, the examiner maintains that the rejection is proper. The applicant is most specifically arguing the idea that the pre-selected web site content is automatically sent as an attachment in an e-mail and the revised copy is responded to the server as a reply to the e-mail. Davis teaches that the original e-mail from the server to the user is an e-mail containing the URL which was pre-selected and then automatically included in an e-mail to the webpage to be updated (column 13, line 51-column 14, line 64 of Davis) and also that a reply e-mail from the user to the server actually contains the web page itself is returned to the server which is then processed to make the correct updates to the web page (column 13, lines 7-49 of Davis). Davis never explicitly discloses that the content of the web page is sent as an attachment to the e-mail, rather a URL which is a representation of how to access the content of the e-mail. However, Davis clearly discloses the transmission of the content via e-mail by sending the URL and by sending the actual content. Patterson clearly discloses sending web page content as an attachment to an e-mail (page 2-3, paragraphs 0026-0030 of Patterson). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the method of Davis of updating web content between a client and a server with the method of Patterson of transmitting web content via e-mail attachment because it would have allowed the user to be supplied with the content to be updated without interrupting the current operations

being performed by the user. Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made because there is no functional difference between sending the web page as content of an e-mail (as shown by Davis) and as an attachment to an e-mail (as shown by Patterson), rather the two techniques are merely predictable ways of achieving the exact same result by the exact same means. In both cases web content (which was pre-selected and automatically sent in the teachings of Davis) is sent using an e-mail program in a notoriously well-known way so a user can view it.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua D Campbell/
Primary Examiner, Art Unit 2178
August 15, 2008